

**REGULAR COUNCIL MEETING
CITY OF WATERTOWN
July 19, 2004
7:00 P.M.**

MAYOR JEFFREY E. GRAHAM PRESIDING

PRESENT: **COUNCILMAN STEPHEN J. BRADLEY
COUNCILWOMAN ROXANNE M. BURNS
COUNCILMAN PETER L. CLOUGH
COUNCILMAN TIMOTHY R. LABOUF
MAYOR GRAHAM**

ALSO PRESENT: **PLANNING AND COMMUNITY DEVELOPMENT
COORDINATOR KENNETH A. MIX
ATTORNEY ROBERT J. SLYE**

City Manager Corriveau presented the following reports to the Council:

- 1 - Reappointment to the Empire Zone Board, Phillip Gaffney
- 2 - Reappointment to the Empire Zone Board, William Welbourn
- 3 - Appointment to the Empire Zone Board, Thomas Cesta
- 4 - Approving an Extension of the Agreement for Empire Zone Administration Services, Camoin Associates, Inc.
- 5 - Authorizing the City Manager and City Comptroller to Enter Into and Execute the Grant Disbursement Agreement with the Empire State Development Corporation for the Downtown Watertown Streetscape Enhancement Storm Sewer Replacement Project
- 6 - Accepting Proposal of Green & Seifter, CPAs, PLLC, For Auditing Services
- 7 - Finding that the Historic Conservation and Restoration Work at Roswell P. Flower Memorial Library, As Outlined in an Application for Environmental Protection Funds from the State of New York, Will Not Have a Significant Impact on the Environment
- 8 - Authorizing an Application to the Environmental Protection Fund for Conservation and Restoration Work at Roswell P. Flower Memorial Library
- 9 - Approving the Site Plan for the Construction of a 4,580 Sq. Ft. Building Addition and 30,000 Sq. Ft. Parking Lot Reconstruction at 238 Arsenal Street, Parcel No. 7-04-103
- 10 - Approving the Special Use Permit Request Submitted by Robert Sands of GYMO, P.C., on Behalf of Blackwater Development, LLC, to Allow Cabins and Tent Camping at 1605 Huntington Street, Parcel No. 5-07-701.002
- 11 - Approving the Site Plan for the Construction of Eight 132 Sq. Ft. Camping Cabins, One 384 Sq. Ft. Administrative Cabin, One 390 Sq. Ft. Shower & Restroom Cabin, and One 657 Sq. Ft. Performing Arts Platform at 1605 Huntington Street, Parcels No. 5-07-701.003
- 12 - Authorizing the Issuance of \$2,110,000 Serial Bonds of the City of Watertown, Jefferson County, New York to Pay the Cost of Runway Reconstruction and Safety Area Improvements at the Watertown International Airport, In and For Said City

- 13- Approving the Zone Change Request Submitted by Father Richard Kennedy, Pastor of Our Lady of the Sacred Heart Church, to Change the Approved Zoning Classification of 617 Davidson Street, 320-332 W. Lynde Street and 668 Thompson Street, Parcels No. 2-04-101 through 2-04-105 from Residence "B" District to Residence "C" District
- 14 - Local Law No. 3 of 2004 – Amending City Code Section 253-17, Sewer Rents
- 15 - 7:30 p.m. Public Hearing – Request for Special Use Permit to Allow Cabins and Tent Camping 1605 Huntington Street, Parcel No. 5-07-701.002
- 16 - Tabled – Resolution Accepting Bid-Asbestos Abatement; Building Demolition & Site Restoration at 234 Bellew Avenue; 540 Jefferson Street; 312 & 331 Stone Street, 114 William Street and 715 Franklin Street
- 17 – Tabled – A Local Law Regulating the Outdoor Bulk Storage of Particular Matter
- 18 - New City Council Picture for City's Website

COMPLETE REPORTS ON FILE IN THE OFFICE OF THE CITY CLERK

Meeting opened with a moment of silence.

Pledge of Allegiance was given.

The reading of the minutes of the regular meeting of July 6, 2004 was dispensed with and accepted as written by motion of Councilwoman Burns, seconded by Councilman Clough and carried with all voting in favor thereof.

COMMUNICATIONS

The following communications were received from the City Planning Board:

1. Recommending approval of the zone change request submitted on behalf of Sacred Heart Church to change the approved zoning classification of 617 Davidson Street, 320-332 W. Lynde Street and 668 Thompson Street, parcels Nos. 2-04-101, 2-04-102, 2-04-103, 2-04-104 and 2-04-105 from Residence "B" District to Residence "C" District.
2. Recommending approval of the site plan submitted on behalf of North Country Children's Clinic for the construction of a 4,580 sq. ft. building addition and 30,000 sq. ft. parking lot reconstruction at 238 Arsenal Street, Parcel No. 7-04-103 contingent upon certain requirements being met as outlined in the resolution.
3. Recommending approval of the Special Use Permit request submitted on behalf of Blackwater Development LLC, to allow cabins and tent camping at 1605 Huntington Street, Parcel No. 5-07-701.002.
4. Recommending approval of the site plan submitted on behalf of Blackwater Development for the installation and construction of eight 132 sq. ft. camping cabins, one 384 sq. ft. administrative cabin, one 390 sq. ft. shower and restroom cabin and one 657 sq. ft. performing arts platform at 1605 Huntington Street, Parcel No. 5-07-701.002.

ABOVE PLACED ON FILE

From Harris Beach Attorneys at Law, on behalf of the American Rock Salt Company, urging Council not to approve the proposed outdoor bulk storage law. Attorney Joseph D. Picciotti stated that it is unconstitutional on its face and wrote that for other reasons articulated previously they are asking that it not be passed.

ABOVE PLACED ON FILE

From Paul and Ginger Ambrose, 409 Flower Avenue East, requesting “Deaf Child Area” signs be placed at both ends of the street to alert drivers to their daughter’s condition.

ABOVE PLACED ON FILE

PRIVILEGE OF THE FLOOR EXTENDED

Mark Curtis, 321 Bugbee Drive, addressed the chair as an advocate for people with disabilities. He stated that a number of people have told him that they have had to leave the sidewalk, while in a wheelchair, because of the condition of the walks. He asked that the City continue the sidewalk program.

Sandra Guyton, 600 Lillian Street, addressed the chair also urging Council not to abolish the sidewalk program. She stated that the walks are in deplorable condition and it is very difficult for her to get around in her electric wheelchair.

June Gundersen, 523 Water Street, addressed the chair also in support of the sidewalk program. In addition, she questioned when the sidewalk section on Water Street was going to be fixed.

Mayor Graham explained that it would be repaired as part of the bridge project.

Olivia Russell, 728 Morrison Street, addressed the chair concerning the bulk storage legislation. She stated that she doesn’t care what size the pile is. If it drifts on to her property, it is too big and if it cannot be controlled, something needs to be done.

Catherine Grant, 640 Boyd Street, addressed the chair concerning her neighborhood. She stated that calling the police is fruitless. She stated that she has lost the opportunity to sell her home due to the dirty laundry, garbage strewn around and the vulgar language used on adjoining property. She explained that at night she has two fans running just to block out the offensive language of the neighbors. She asked that Council help to correct this situation.

Diane Pierce, 564 Burdick Street, addressed the chair concerning the bulk storage legislation. She stated that she doesn’t understand why the attorney for American Rock Salt feels that it is aimed directly at them. She stated that it is time that something was done.

Sherry Furgison, partner in Gardner and Furgison & Co., CPA, addressed the chair questioning why their firm was not recommended for auditing services since they were the low bidder. She stated that they are taxpayers and are upset that their firm wasn't given a closer look.

PUBLIC HEARING

AT 7:30 P.M. MAYOR GRAHAM ASKED THE CITY CLERK TO READ THE NOTICE OF PUBLIC HEARING CONCERNING THE REQUEST FOR A SPECIAL USE PERMIT TO ALLOW CABINS AND TENT CAMPING AT 1605 HUNTINGTON STREET, PARCEL NO. 5-07-701.001.

MAYOR GRAHAM DECLARED THE HEARING OPEN.

No one spoke.

MAYOR GRAHAM DECLARED THE HEARING CLOSED.

R E S O L U T I O N S

Prior to the vote on the first four resolutions, Councilman Clough offered the following motion:

MOTION WAS MADE BY COUNCILMAN CLOUGH TO CONSIDER ALL FOUR RESOLUTIONS AT ONE TIME. MOTION WAS SECONDED BY COUNCILMAN LABOUF AND CARRIED WITH ALL VOTING IN FAVOR THEREOF EXCEPT MAYOR GRAHAM VOTING NAY

Commenting on the foregoing motion, Mayor Graham remarked that normally nominations for these appointments are floated around among the Council. However, that wasn't the case this time. He stated that while he has no problem with the appointments, by putting them all together for one vote, people lose their ability to express their opinions about individual appointments.

Councilwoman Burns also asked if the board's bylaws indicated a minimum number of meetings that members of the board had to attend. She stated that quite often there has been a lack of a quorum on other boards because of continual absences by some members.

Councilman Clough explained that if they miss three consecutive meetings, they are asked why and a decision is made based on the reasons given.

INTRODUCED BY COUNCILMAN PETER L. CLOUGH

WHEREAS New York State has designated an Empire Zone (formerly Economic Development Zone) pursuant to Article 18-b of the New York State General Municipal Law within the Town of Watertown and the City of Watertown on July 27, 1994, and

WHEREAS Article 18-b of the New York State General Municipal Law requires that an Empire Zone Board (formerly Economic Development Zone Administrative Board) be in place to oversee the operation of the Zone, and

WHEREAS there exists a vacancy on the Board for organized labor of the Empire Zone,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby reappoints to the Empire Zone, as the organized labor representative, for a term expiring on May 31, 2007:

Phillip Gaffney
745 Lansing Street
Watertown, New York 13601

SECONDED BY COUNCILMAN TIMOTHY R. LABOUF AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCILMAN PETER L. CLOUGH

WHEREAS New York State has designated an Empire Zone (formerly Economic Development Zone) pursuant to Article 18-b of the New York State General Municipal Law within the Town of Watertown and the City of Watertown on July 27, 1994, and

WHEREAS Article 18-b of the New York State General Municipal Law requires that an Empire Zone Board (formerly Economic Development Zone Administrative Board) be in place to oversee the operation of the Zone, and

WHEREAS there exists a vacancy on the Board for a resident of the Empire Zone,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby reappoints to the Empire Zone, as a zone resident, for a term expiring on May 31, 2007:

William Welbourn
907 Washington Street
Watertown, New York 13601

SECONDED BY COUNCILMAN TIMOTHY R. LABOUF AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCILMAN PETER L. CLOUGH

WHEREAS New York State has designated an Empire Zone (formerly Economic Development Zone) pursuant to Article 18-b of the New York State General Municipal Law within the Town of Watertown and the City of Watertown on July 27, 1994, and

WHEREAS Article 18-b of the New York State General Municipal Law requires that an Empire Zone Board (formerly Economic Development Zone Administrative Board) be in place to oversee the operation of the Zone, and

WHEREAS there exists a vacancy on the Board for a representative from a financial institution,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby appoints to the Empire Zone Board, as the financial institution representative, for a term expiring on May 31, 2007:

Thomas Cesta
1242 Lachenauer Drive
Watertown, New York 13601

SECONDED BY COUNCILMAN TIMOTHY R. LABOUF AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCILMAN PETER L. CLOUGH

WHEREAS New York State has designated an Empire Zone (formerly Economic Development Zone) pursuant to Article 18-b of the New York State General Municipal Law within the Town of Watertown and the City of Watertown on July 27, 1994, and

WHEREAS Article 18-b of the New York State General Municipal Law requires that an Empire Zone Board (formerly Economic Development Zone Administrative Board) be in place to oversee the operation of the Zone, and

WHEREAS there exists a vacancy on the Board for a representative for an Educational Institution Representative,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby appoints to the Empire Zone Board, as an educational institution representative, to fill the unexpired term of Laurie Nortz, which term expires May 31, 2005:

James Fitzpatrick
837 Holcomb Street
Watertown, New York 13601

SECONDED BY COUNCILMAN TIMOTHY R. LABOUF AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCILMAN TIMOTHY R. LABOUF

WHEREAS the City Council of the City of Watertown, New York approved an Agreement for Empire Zone Administration Services with Camoin Associates, Inc. on August 18, 2003, and

WHEREAS said Agreement expires on July 31, 2004, and

WHEREAS the services of Camoin Associates, Inc. will be needed to continue to administer the local program after July 31, 2004, and

WHEREAS there is uncertainty as to what actions the State of New York will take to extend the program, and

WHEREAS an Agreement has been drafted that extends the original Agreement through October 31, 2004, a copy of which is attached and made a part of this resolution,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the extension of the Agreement for Empire Zone Administration Services with Camoin Associates, Inc. through October 31, 2004, and

BE IT FURTHER RESOLVED that the City Manager Mary M. Corriveau is hereby authorized and directed to execute the Agreement on behalf of the City of Watertown.

SECONDED BY COUNCILWOMAN ROXANNE M. BURNS AND CARRIED WITH ALL VOTING YEA

Commenting on the foregoing resolution, Councilman Clough explained that the City didn't want to get into a long-term contract with Camoin if the program sunsets or if the decision is made to go with a zone coordinator.

Councilman Bradley agreed with Councilman Clough and stated that the City should remain open to the possibility of a local group taking this over.

INTRODUCED BY COUNCILMAN TIMOTHY R. LABOUF

WHEREAS the Empire State Development Corporation has approved \$100,000 in assistance through the Community Capital Assistance Program for the Downtown Watertown Streetscape Enhancement Storm Sewer Replacement Project, and

WHEREAS the grant will fund the direct and indirect costs to replace the storm sewer located on the north side of Public Square in the City of Watertown, and

WHEREAS the City of Watertown must enter into and execute a Grant Disbursement Agreement with the Empire State Development Corporation for the project,

NOW THEREFORE BE IT RESOLVED that the City Manager, Mary M. Corriveau and the City Comptroller, James E. Mills, are hereby directed and authorized to enter into and execute the Grant Disbursement Agreement with the Empire State Development Corporation on behalf of the City Council of the City of Watertown, and

BE IT FURTHER RESOLVED that the City Manager and City Comptroller are authorized to act on behalf of the City Council in all further matters related to the financial assistance for this project.

SECONDED BY COUNCILMAN PETER L. CLOUGH AND CARRIED WITH ALL VOTING YEA

Mayor Graham asked when this was going to start.

Mr. Mix explained that they are waiting for final design approval from NYS DOT. Clough Harbour will then prepare the necessary documents to go out to bid.

INTRODUCED BY COUNCILMAN PETER L. CLOUGH

WHEREAS it is the responsibility of local municipalities to comply with Federal and State Single Audit requirements, and

WHEREAS the City has solicited proposals for an audit of the General Purpose Financial Statements and the Single Audit of the City's financial activities for the fiscal years ending 2003-04, 2004-05, and 2005-06, and

WHEREAS a proposal has been received from Green & Seifter, CPAs, PLLC, to perform an audit of the General Purpose Financial Statements and a Single Audit of the financial activities of the City of Watertown, as prescribed by the Comptroller General, in the amount of \$19,150 for Fiscal Year 2003-04, \$19,800 for Fiscal Year 2004-05, and \$20,550 for Fiscal Year 2005-06,

NOW THEREFORE BE IT RESOLVED that the City Manager, Mary M. Corriveau, is hereby authorized and directed to execute the Agreement with Green & Seifter, CPAs, PLLC, for the purpose of conducting an audit of the General Purpose Financial Statements and Single Audits of the financial activities of the City of Watertown for the three Fiscal Years 2003-04 through Fiscal Year 2005-06

SECONDED BY COUNCILMAN STEPHEN J. BRADLEY

Councilman Clough asked about this recommendation.

Mr. Mills explained that this selection was based on experience and consideration of the firm's qualifications. He reiterated his memo comments in which he stated that price should not be allowed to serve as the sole criterion for the selection of an independent auditor.

Mayor Graham asked if one of the reasons to have an out of town firm was because they wanted to use a firm that was removed from the proximity of the community.

Mr. Mills explained that they were well satisfied with Sovie & Bowie over the past five years. However, it is always good to have a new pair of eyes every few years.

Mayor Graham asked how much of this audit work is just plugging in figures.

Mr. Mills explained that the audit involves reviewing checks, vouchers, etc. as well as making sure correct accounting practices are in place.

Councilwoman Burns asked about travel charges.

Mr. Mills stated that the figures are all inclusive.

Councilwoman Burns commented that based on Mr. Mills' comments about Sovie & Bowie and the fact that they have done the job for the past 5 years, she would like to see the City keep them as the auditors. She stated that it is important to keep business local. She also questioned where Watertown would fall in the greater scheme of things with Green & Seifter if they have so many larger clients. She also urged Gardner & Furgison to bid again when it comes available in the future.

Councilman Clough commented that he would like Mrs. Corriveau's comments on this before voting.

Mayor Graham commented that if Council deviates from staff recommendations, sometimes a qualitative debate would lead people in the community to wonder why the other local firm wasn't selected. He stated that he feels that type of debate may do a disservice to local business as people might question the local business' abilities.

Councilwoman Burns commented that Council does rely on staff recommendations. However, Council doesn't rubber stamp everything. She commented that Mr. Mills had stated that he was equally confident in Sovie & Bowie but he expressed concerns with Gardner and Furgison.

Councilman Bradley commented that Sovie & Bowie has been doing it for five years and they know what they are up against.

Councilman Clough remarked that this is not the first time that a bid from a non-local firm was recommended. However, this bid is higher than the local one and he asked if this was going to set a precedent.

Attorney Slye explained that this is a proposal for professional services and is much different than a bid for sand or salt.

Councilwoman Burns remarked that she has concerns awarding this bid to an out of town firm just for the sake of change.

MOTION WAS MADE BY COUNCILMAN CLOUGH TO TABLE THE FOREGOING RESOLUTION.

MOTION WAS SECONDED BY COUNCILMAN LABOUF AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

INTRODUCED BY COUNCILMAN PETER L. CLOUGH

WHEREAS the City Council of the City of Watertown, New York has before it an application to the New York State Environmental Protection Fund for historic conservation and restoration of interior fine art, decorative painting, stained glass, marble and mosaics at the Roswell P. Flower Memorial Library, and

WHEREAS the City Council must evaluate all proposed actions in light of the State Environmental Quality Review Act (SEQRA) and the regulations promulgated pursuant thereto, and

WHEREAS the historic conservation and restoration work at the Roswell P. Flower Memorial Library would constitute such an Action, and

WHEREAS the City Council has determined that the proposed work is an Unlisted Action as that term is defined in 6NYCRR Section 617.2(ak), and

WHEREAS the City Council is conducting a non-coordinated environmental review as allowed for Unlisted Actions, and

WHEREAS to aid the City Council in its determination as to whether the proposed work will have a significant effect on the environment, Part 1 of a Short Environmental Assessment Form has been prepared by Staff, a copy of which is attached and made part of this resolution,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York that:

1. Based upon its examination of the Short Environmental Assessment Form and comparison with the proposed improvements with the criteria set forth in

6NYCRR Section 617.7, no significant impact on the environment is known and will not have a significant effect on the environment.

2. The Mayor of the City of Watertown is authorized to execute the Environmental Assessment Form to the effect that the City Council is issuing a Negative Declaration under SEQRA.

3. This resolution shall take effect immediately.

SECONDED BY COUNCILMAN TIMOTHY R. LABOUF AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCILMAN TIMOTHY R. LABOUF

WHEREAS interior fine art, decorative painting, stained glass, marble and mosaics within the Roswell P. Flower Memorial Library are in need of historic conservation and restoration, and

WHEREAS New York State has announced that funds for historic preservation are available through the Environmental Protection Fund,

NOW THEREFORE BE IT RESOLVED that Mary M. Corriveau, as City Manager of the City of Watertown, is hereby authorized and directed to file an application for funds from the New York State Office of Parks Recreation and Historical Preservation, in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993 in an amount not to exceed \$350,000 and upon approval of said request, to enter into an Executed Project Agreement with the State for such financial assistance to the City of Watertown for historic conservation and restoration of interior fine art, decorative painting, stained glass, marble and mosaics, and, if appropriate, a Conservation Easement/Preservation Covenant to the deed of the assisted property.

SECONDED BY COUNCILMAN PETER L. CLOUGH AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCILMAN PETER L. CLOUGH

WHEREAS Robert Sands of GYMO, P.C., has made application for site plan approval on behalf of the North Country Children's Clinic, for the construction of a 4,580 sq. ft. building addition and 30,000 sq. ft. parking lot reconstruction at 238 Arsenal Street, Parcel No. 7-04-103, and

WHEREAS the Jefferson County Planning Board reviewed the site plan at its meeting held on June 29, 2004, pursuant to General Municipal Law Section 239-m, and adopted a motion that the project does not have any significant County-wide or intermunicipal issues and is of local concern only, and

WHEREAS the Planning Board of the City of Watertown reviewed the site plan at its meeting held on July 13, 2004, and recommended that the City Council of the City of Watertown approve the site plan, contingent upon the following:

1. That the applicant shall verify that the existing storm sewer line is still active and that the proposed storm water drainage system designed for the site can adequately tie into the existing system.

And,

WHEREAS the City Council has reviewed the Short Environmental Assessment Form, responding to each of the questions contained in Part 2, and has determined that the project, as submitted, is Unlisted and will not have a significant effect on the environment,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown declares that the proposed construction and site plan constitute an Unlisted Action for the purposes of SEQRA and hereby determines that the project, as proposed, will not have a significant effect on the environment, and

BE IT FURTHER RESOLVED by the City Council of the City of Watertown, New York that site plan approval is hereby granted to Robert Sands of GYMO, P.C., on behalf of the North Country Children's Clinic, for the construction of a 4,580 sq. ft. building addition and 30,000 sq. ft. parking lot reconstruction at 238 Arsenal Street, Parcel No. 7-04-103, as shown on plans submitted to the City Engineer on July 15, 2004, contingent upon the applicant making the revisions and meeting the requirements listed above in the City Planning Board's recommendation.

SECONDED BY COUNCILWOMAN ROXANNE M. BURNS AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCILMAN TIMOTHY R. LABOUF

WHEREAS Robert Sands of GYMO, P.C., has made application for a Special Use Permit on behalf of Blackwater Development LLC, to allow cabins and tent camping at 1605 Huntington Street, Parcel No. 5-07-701.002, and

WHEREAS the Planning Board of the City of Watertown reviewed the request for a Special Use Permit at its meeting held on July 13, 2004 and recommended that the City Council of the City of Watertown approve the request as submitted, and

WHEREAS a public hearing has been held on the proposed Special Use Permit on July 19, 2004, after due public notice, and

WHEREAS the City Council has reviewed the Short Environmental Assessment Form, responding to each of the questions contained in Part 2 and has determined that the

project, as submitted, is Unlisted and will not have a significant effect on the environment,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown declares that the proposed Special Use Permit to allow cabins and tent camping constitutes an Unlisted Action for the purposes of SEQRA and hereby determines that the project as proposed will not have a significant effect on the environment, and

BE IT FURTHER RESOLVED that the City Council of the City of Watertown, New York that the Special Use Permit is hereby granted to allow cabins and tent camping at 1605 Huntington Street, Parcel No. 5-07-701.002.

SECONDED BY COUNCILMAN PETER L. CLOUGH AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCILMAN TIMOTHY R. LABOUF

WHEREAS Robert Sands of GYMO, P.C., has made application for site plan approval on behalf of Blackwater Development LLC, for the installation and construction of eight 132 sq. ft. camping cabins, one 380 sq. ft. administrative cabin, one 390 sq. ft. shower and restroom cabin, and one 657 sq. ft. performing arts platform at 1605 Huntington Street, Parcel No. 5-07-701.002, and

WHEREAS the Planning Board of the City of Watertown reviewed the site plan at its meeting held on July 13, 2004, and recommended that the City Council of the City of Watertown approve the site plan as submitted, and

WHEREAS the City Council has reviewed the Short Environmental Assessment Form, responding to each of the questions contained in Part 2, and has determined that the project, as submitted, is Unlisted and will not have a significant effect on the environment,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown declares that the proposed construction and site plan constitute an Unlisted Action for the purposes of SEQRA and hereby determines that the project, as proposed, will not have a significant effect on the environment, and

BE IT FURTHER RESOLVED by the City Council of the City of Watertown, New York that site plan approval is hereby granted to Robert Sands of GYMO, P.C., on behalf of Blackwater Development LLC, for the installation and construction of eight 132 sq. ft. camping cabins, one 384 sq. ft. administrative cabin, one 390 sq. ft. shower and restroom cabin, and one 657 sq. ft. performing arts platform at 1605 Huntington Street, Parcel No. 5-07-701.002, as shown on plans submitted to the City Engineer on June 24, 2004.

SECONDED BY COUNCILMAN PETER L. CLOUGH AND CARRIED WITH ALL VOTING YEA

Commenting on the foregoing resolutions concerning Blackwater Development, Mayor Graham asked if the project would be using City water.

Mr. Mix explained that it would hook into the City's lines. An agreement was made when Mr. Hiller was here whereby the public would be allowed to use the restrooms as a trade off for putting in water and sewer laterals. He explained that it was similar to the agreement made with the Red Lion.

Mayor Graham commented that he didn't approve the Red Lion agreement. He stated that he doesn't think the City should get into improvements on private property. He stated that the City needs to be concerned with consistency in public policy. He also commented that he would hope that there are no other agreements that Mr. Hiller made.

MOTION WAS MADE BY COUNCILMAN CLOUGH TO TAKE FROM THE TABLE THE RESOLUTION "ACCEPTING BID- ASBESTOS ABATEMENT, BUILDING DEMOLITION & SITE RESTORATION AT 234 BELLEW AVENUE, 540 JEFFERSON STREET, 312 & 331 STONE STREET, 114 WILLIAM STREET AND 715 FRANKLIN STREET.

MOTION WAS SECONDED BY COUNCILMAN LABOUF AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON THE FOREGOING RESOLUTION AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

ORDINANCES

INTRODUCED BY COUNCILMAN PETER L. CLOUGH

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; and

WHEREAS, it is now desired to authorize the financing of such capital project;

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Watertown, Jefferson County, New York, as follows:

Section 1. For the class of objects or purposes of paying the cost of the reconstruction of Runway 10-1 and safety area improvements for Runway 10-28 at the Watertown International Airport, in and for the City of Watertown, Jefferson County, New York, including incidental expenses in connection therewith, there are hereby

authorized to be issued \$2,110,000 serial bonds of said City pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid class of objects or purposes is \$2,110,000 and that the plan for the financing thereof is by the issuance of the \$2,110,000 serial bonds of said City authorized to be issued pursuant to this bond ordinance, provided, however, that the amount of serial bonds ultimately to be issued will be reduced by the amount of any State and, or Federal aid received by said City for such class of objects or purposes.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is ten years, pursuant to subdivision 14 of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the City Comptroller, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Comptroller, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said City of Watertown, Jefferson County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the City of Watertown, Jefferson County, New York, by the manual or facsimile signature of the City Comptroller and a facsimile of its corporate seal shall be imprinted thereon and may be attested by the manual or facsimile signature of the City Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the City Comptroller, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of the City, provided, however, that in the exercise of these delegated powers, he shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the City Comptroller shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or

facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the City by the facsimile signature of the City Comptroller, providing for the manual countersignature of a fiscal agent or of a designated official of the City), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the City Comptroller. It is hereby determined that it is to the financial advantage of the City not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the City Comptroller shall determine.

Section 9. This ordinance shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this ordinance, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. This ordinance, which takes effect immediately, shall be published in full in the

SECONDED BY COUNCILWOMAN ROXANNE M. BURNS AND CARRIED WITH ALL VOTING YEA

(Unanimous consent moved by motion of Councilman Clough, seconded by Councilman Bradley and carried with all voting in favor thereof)

Prior to the vote on the foregoing ordinance, Mayor Graham asked if there was any risk to the City in approving this.

Attorney Slye stated that it is his understanding that the portion of the sales tax agreement dealing with the airport includes the County undertaking the debt that the City has contracted. The County has full knowledge of this.

INTRODUCED BY COUNCILMAN TIMOTHY R. LABOUF

BE IT ORDAINED where Father Richard Kennedy, Pastor of Our Lady of the Sacred Heart Church, has made application by petition filed with the City Clerk, pursuant to Section 83 of the New York General City Law, to change the approved zoning classification of 617 Davidson Street, 320-332 W. Lynde Street and 668 Thompson Street, Parcels No. 2-04-101 through 2-04-105 from Residence “B” District to Residence “C” District, and

WHEREAS the parcels which are sought to be rezoned are as follows:

2-04-101
2-04-102
2-04-103
2-04-104
2-04-105,

And,

WHEREAS the Planning Board of the City of Watertown reviewed the zone change request at its meeting held on July 13, 2004, and recommended that the City Council of the City of Watertown approve the zone change as requested, and

WHEREAS the City Council deems it in the best interest of the citizens of the City of Watertown to approve the requested zone change, and

WHEREAS a public hearing was held on the proposed zone change on August 2, 2004, after due public notice, and

WHEREAS the City Council has made a declaration of negative findings of the impacts of the proposed zone change according to the requirements of SEQRA,

NOW THEREFORE BE IT ORDAINED that the zoning classification shall be changed for 617 Davidson Street, 320-332 W. Lynde Street and 668 Thompson Street, Parcels No. 2-04-101, 2-04-102, 2-04-103, 2-04-104 and 2-04-105 from Residence “B” District to Residence “C” District, and

BE IT FURTHER ORDAINED that the Zoning Map of the City of Watertown shall be amended to reflect the zone change, and

BE IT FURTHER ORDAINED this Amendment to the Zoning Ordinance of the City of Watertown shall take effect as soon as it is published once in the official newspaper of the City of Watertown, or printed as the City Manager directs.

SECONDED BY COUNCILMAN STEPHEN J. BRADLEY

MOTION WAS MADE BY COUNCILWOMAN BURNS TO SCHEDULE A PUBLIC HEARING ON THE FOREGOING ORDINANCE FOR MONDAY, AUGUST 2, 2004 AT 7:45 P.M.

MOTION WAS SECONDED BY COUNCILMAN CLOUGH AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

LOCAL LAW

INTRODUCED BY COUNCILMAN PETER L. CLOUGH

BE IT ENACTED by the City Council of the City of Watertown as follows:

§253-17 of the City Code of the City of Watertown is hereby amended to read as follows:

C. Rates.

(1) The basis for the normal sewer service charge shall be the volume of water consumed from the Public Water Supply System by the individual property owner. The rates for both domestic and industrial metered sewer service within the City of Watertown shall be as follows:

(a) QUARTERLY METER RATES:

First 1200 cubic feet (8976 gallons)	\$29.11 per 1000 cubic feet (7480 gallons)
Next 8700 cubic feet (65076 gallons)	\$20.72 per 1000 cubic feet (7480 gallons)
Next 90000 cubic feet (673200 gallons)	\$15.01 per 1000 cubic feet (7480 gallons)
Over 99900 cubic feet (747252 gallons)	\$ 11.62 per 1000 cubic feet (7480 gallons)

(b) MINIMUM CHARGE FOR QUARTERLY INSIDE CITY USE:

<u>Meter Size</u>	<u>Cubic Feet</u>	<u>Gallons</u>	<u>Minimum Charge</u>
5/8"	900	6732	\$ 26.18
3/4"	1500	11220	41.15
1 "	2700	20196	66.02

1 ½"	5100	38148	115.72
2 "	8400	62832	184.12
3 "	15900	118932	305.44
4 "	26400	197472	463.45
6 "	51900	388212	847.12
8 "	84000	628320	1330.12
10"	120000	897600	1802.76

(2) ELDERLY EXEMPTION

The basis for the sewer service charge provided to owners of real property inside the city who qualify for the elderly partial tax exemption shall be based upon the following rates:

<u>UNIT</u>	<u>CHARGE</u>
1	\$ 2.89
2	5.82
3	8.71
4	11.63
5	14.52
6	17.45
7	20.34
8	21.79

and,

BE IT FURTHER ORDAINED that the Sewer Service Charge shall be instituted with the sewer bills dated September 1, 2004 and contained on all bills, and

BE IT FURTHER ORDAINED that a public hearing will be held on this amendment on August 2, 2004 at 7:30 p.m. in the City Council Chambers, and

BE IT FURTHER ORDAINED that this Local Law shall take effect immediately upon its being filed in the Office of the Secretary of State.

SECONDED BY COUNCILMAN STEPHEN J. BRADLEY

MOTION WAS MADE BY COUNCILWOMAN BURNS TO SCHEDULE A PUBLIC HEARING ON THE FOREGOING LOCAL LAW FOR MONDAY, AUGUST 2, 2004 AT 7:30 P.M.

MOTION WAS SECONDED BY COUNCILMAN CLOUGH AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

MOTION WAS MADE BY COUNCILMAN CLOUGH TO TAKE FROM THE TABLE A LOCAL LAW REGULATING THE OUTDOOR BULK STORAGE OF PARTICULATE MATTER (Introduced on May 17, 2004, public hearing held on June 7, 2004; appears in its entirety on page 106 of the 2004 Minutes Book
MOTION WAS SECONDED BY COUNCILMAN LABOUF AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

Mayor Graham asked about the reason for the figure.

Attorney Slye stated that it was a result of a conversation that he had with Mr. Pilon.

Mayor Graham asked if this was a total amount for one pile and questioned what would happen if it were divided into four piles of 50 cubic yards.

Attorney Slye explained that the goal was to establish a level that indicated at what point the pile should be covered.

Councilman Bradley commented that this legislation would affect only those who don't use reasonable care. It doesn't interfere with businesses. It just makes sure that reasonable care is taken and the pile does not become a nuisance.

Mayor Graham questioned if the size of the pile was even germane to the issue.

Councilman Clough asked about the four 50 cubic yard piles.

Attorney Slye explained that he would interpret the legislation as one pile.

Councilwoman Burns commented that the size of the pile doesn't matter. If it blows around, it is a nuisance for the neighbors. She asked how difficult it would be to enforce the legislation.

Mr. McWayne stated that they would have to take measurements. He stated that anything is enforceable until the judge tells the City that it isn't.

Councilwoman Burns asked if this would pertain to any property in the City or is it just for property in certain zones.

Attorney Slye explained that it is a citywide ordinance directed at all bulk storage of particulate matter. It is commercial as opposed to private. He stated that this legislation helps to determine at what point it becomes the City's concern.

Mayor Graham asked if someone in a residential neighborhood could have a 25 cubic yard pile of salt in their front yard to use on their driveway.

Attorney Slye stated that they could, although he's never seen anyone do that.

Councilman Clough remarked that this legislation was proposed because the residents in the salt pile area wanted to make sure that this couldn't happen anyplace else in the City. He asked how it would affect the City piles of sand and salt.

Mr. Hayes stated that the sand, salt and compost piles all exceed 200 cubic yards. He stated that they would be forced to invest a great deal of money for storage structures.

Attorney Slye explained that this would not be necessary since the City's piles are not located where the matter would blow on to residential use property.

Mayor Graham referred to the letter from the Harris Beach law firm in which Attorney Picciotti states that since the amendment of the local law identifies the volume of material, there needs to be another public hearing on it.

Attorney Slye responded that the attorney was given direct notification of the public hearing. The issue of the amount of material was specifically addressed at the public hearing. Attorney Picciotti attended the public hearing and could have made comments about quantities at that time. He did not do so. Attorney Slye stated that this is no need for another public hearing.

MOTION WAS MADE BY COUNCILMAN CLOUGH TO AMEND THE LOCAL LAW TO READ "IN AN AMOUNT EXCEEDING 200 CUBIC YARDS"

MOTION WAS SECONDED BY COUNCILWOMAN BURNS AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON THE FOREGOING LOCAL LAW AS AMENDED AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

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COUNCIL DISCUSSED THE FOLLOWING ITEMS:

Petition of Annexation of Property

Motion was made by Councilman Clough authorizing the City Manager to take such actions necessary to allow the City and Town of Watertown to consider the petition submitted by 81 Front Street Development, LLC for annexation of property located north of NYS Route 12F from the Town of Watertown to the City of Watertown. Motion second by Councilman Bradley and carried with all voting in favor there of.

Deaf Child Sign

Councilman Clough asked that this request be forwarded to the Police Department.

Lansing Street Signs

Councilman Clough commented that these signs were supposed to have been removed. However, they are still up.

Mr. Hayes stated that they would be taken down.

Parking on Seward Street Hill

Councilman Clough asked that this complaint be followed up on.

Merline Avenue

Councilman Clough commented that residents are asking that this be made a dedicated city street.

Mayor Graham commented that there are water meters on these homes and it is the City's responsibility to deliver usable, drinkable water to these houses. He stated that people who live in the City should be able to use the services.

Councilman Clough remarked that these laterals were put in years ago.

Mr. Pilon commented that any changes in procedure would also involve changes to the municipal code.

Bus Transfer Site

Councilman LaBouf asked about the report on Channel 7 news, which indicated there was a problem with the bus transfer site.

Mr. Pilon explained that the original design called for a 20" deep foundation on the end not being heated. On the other end, where the drivers' restroom facility is located, it was to have a full foundation. As the project progressed, it was realized that the roof structure is such that a full foundation is required. The contractor had started the foundation as the original plans indicated. Therefore, it has to be redone. The cost is still being negotiated.

Tall Grass

Mayor Graham commented that the Delaney property on Meadow Street has long grass and needs to be mowed. He stated that the neighbors put up with enough regarding the animals and they shouldn't have to put up with this now.

Boyd Street Complaint

Mayor Graham asked that a report be prepared by Chief Piche concerning this issue.

Mrs. Grant addressed the chair commented that she feel that more Code enforcement is needed in that area.

Franklin Street Demolition Proposal

Mayor Graham remarked that he would caution Council and staff to not take a stand on the merits of this proposal. However, he stated that he would hope that staff would try to get together with the gentleman and investigate other options, from a planning aspect, which could make his project a success.

Councilwoman Burns commented that she agrees with Mayor Graham that it is necessary to look at alternatives and she also cautioned staff not to publicly comment on this.

YWCA Tour

Mayor Graham reminded Council that the tour of the building would be held on Wednesday morning.

Draft Invitation

Mr. Mix advised Council that draft invitations had been distributed to them for the Downtown Awareness Campaign presentation by NYS Secretary of State Randy A. Daniels on July 28th at 9:30 a.m.

Mayor Graham remarked that Councilwoman Burns would be representing him at this event.

ADJOURNMENT

AT THE CALL OF THE CHAIR MEETING WAS DULY ADJOURNED AT 8:25 P.M. BY MOTION OF COUNCILMAN CLOUGH, SECONDED BY COUNCILMAN BRADLEY AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

Donna M. Dutton

City Clerk

